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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,076	09/10/2003	Dov L. Randall	0112300-1626	6170

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EXAMINER

NGUYEN, KIM T

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/660,076

Applicant(s)

RANDALL ET AL.

Examiner

Kim T. Nguyen

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/25/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/25/06.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Examiner acknowledges receipt of the RCE filed with the amendment on 7/25/06. According to the amendment, claims 1-47 are pending in the application.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vancura (US 2003/0216162) in view of Glavich (US 6,309,300).

As per claim 1, 3, 13 and 15, Vancura discloses a gaming device comprising a game, a plurality of award components (e.g. value hidden and extra picks in paragraphs 0011 and 0022); a plurality of award opportunities (e.g. globes 16 in Fig. 3 or globe positions 1-15) (paragraph 0022) including accumulated award opportunities (e.g. globe positions 4, 7, 9, 10) generated by accumulating an award component (e.g. 2 extra picks in globe position 4) during a play of the game, the accumulation of the award components includes combining the award component (e.g. 2 extra picks in globe position 4) to any previously accumulated award components (e.g. any previously accumulated number of picks left) in the play of the game (paragraph 0025); a plurality of outcomes; and a processor for indicating of at least two of the award opportunities (e.g. displaying 3x5 matrix showing globes in Fig.3) including an

accumulated award opportunity (e.g. globe position 4), enabling the player to choose an award opportunity, and awarding the player (paragraph 0025). Vancura does not explicitly disclose displaying the accumulation of the components. However, Glavich discloses displaying the accumulation of the components 143 (Fig. 1) (e.g. PICKS left, REVEALED PRIZE, MULTIPLIER, TOTAL PRIZE). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to apply displaying the accumulation of the various awards obtained by the player as taught by Glavich to the gaming device of Vancura in order to inform the player the accumulated awards he currently obtained.

As per claim 2, Glavich discloses generating awards associated to the award opportunity randomly (col. 6, lines 6-9).

As per claim 4, Vancura discloses combining the accumulated award by a mathematical operation (paragraphs 0022, 0027 and 0031).

As per claim 5, Vancura discloses using the accumulated components (e.g. number of picks) in another game (e.g. another set of icons) (paragraph 0027).

As per claim 6, 19-20, associating a probability with an award would have been well known to a person of ordinary skill in the art at the time the invention was made.

As per claim 7-9, Vancura discloses including two different accumulated award opportunities, which include different types of components such as free activations and a multiplier (paragraph 0027 and claims 3-5).

As per claim 10-12, Vancura discloses including a plurality of component-accumulating positions (e.g. globe positions 1-15) with a plurality of component-

accumulating positions (e.g. globe position 4 includes value 1x and 2 additional picks) (paragraph 0022).

As per claim 14, refer to discussion in claim 6 above.

As per claim 16-18, Vancura discloses indicating award opportunities (e.g. Suspect screen, Weapon screen, etc.) upon a trigger event occurs (paragraphs 0022 and 0027).

As per claim 21, allowing a computer to randomly select an award would have been both well-known and obvious design choice.

As per claim 22-23, Vancura discloses a multiplier or free spins awards (paragraph 0027).

As per claim 24-25, refer to discussion in claim 1 above. Further, Vancura discloses a pair of award opportunities (e.g. suspect screen, weapon screen in paragraph 0027). Implementing a plurality of pairs of award opportunities would have been obvious design choice and would require only routine skill in the art.

As per claim 26-27, Vancura discloses including two different types of award opportunities (e.g. award opportunity and accumulated award opportunity) (paragraph 0027). Further, implementing the same accumulated award opportunity in the pair of award opportunities both well known and obvious design choice.

As per claim 28-46, refer to discussion in claims 1-2 and 4-10, 12, 16-18, and 21-23 above.

As per claim 47, refer to discussion in claim 1 above. Further, Vancura discloses including a sub-game (e.g. Weapon screen, Room screen) (paragraph 0027).

Further, pre-assigning an expected average outcome for each award opportunity would have been well-known and obvious design choice according to a game designer's preference.

Response to Arguments

3. Applicant's arguments filed 7/25/06 have been fully considered but they are not persuasive.

a) In response to applicant's argument in page 13, first paragraph, Vancura discloses including an accumulated award opportunity (e.g. globe position 4) generated by accumulating an award component (e.g. number of extra picks) during a play of the game, the accumulation of the award component includes combining an award component (e.g. 2 extra picks) to any previously accumulated award component (e.g. the accumulated player's current number of picks remaining such as 1 pick left) (paragraphs 0022 and 0025); and Glavich discloses displaying the accumulation of the award components 143 (Fig. 1).

b) In response to applicant's argument in page 13, second paragraph through page 14, Vancura discloses during a play of the game, when an award opportunity (e.g. globe position 4) is selected, an accumulated award opportunity is generated by combining an award component (e.g. 2 extra picks) to any previously accumulated award component (e.g. the accumulated player's current number of picks remaining such as 1 pick left) (paragraphs 0022 and 0025). The independent claims do not specifically highlight the difference between the accumulated award opportunity

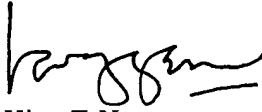
Art Unit: 3713

generated by combining an award component to any previously accumulated award component of the present application and the accumulated award opportunity generated by combining (adding) the number of additional picks to the player's remaining picks taught by Vancura. The independent claims are still read on the combination of the Vacura and Glavich references and are explained in the 35 USC 103(a) rejections above.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Nguyen whose telephone number is (571) 272-4441. The examiner can normally be reached on Monday-Thursday from 8:30AM to 5:00PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai, can be reached on (571) 272-7147. The central official fax number is (571) 273-8300.

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Date: August 5, 2006


Kim T Nguyen
Primary Examiner
Art Unit 3713